

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CARLOS AVILA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 13 C 9196
)	
TOM DART, etc., et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

When pro se plaintiff Carlos Avila ("Avila") failed to provide the information that would enable this Court to ascertain (1) whether he had in fact complied with the precondition to suit established by 42 U.S.C. § 1997e(a) or (2) alternatively whether a Pavey hearing might be required to make that determination, this Court issued a brief June 4, 2014 memorandum order ("Order") determining that the last-mentioned alternative was not called for and hence dismissing this action because of Avila's apparent nonexhaustion of administrative remedies.¹ Now this Court has become aware that nearly a month ago Avila had filed a pro se "Motion for Leave To File an Amended Complaint" in which he asserted that he had indeed taken steps to exhaust his administrative remedies the first time around.²

¹ That Order had given Avila an added week's cushion beyond the date originally set for his response.

² This Court sees no reason for such belated communication (or such lack of communication), apparently the product of the irregular treatment of prisoner litigation that is assigned to judges (such as this Court) who opt for the maintenance of paper files rather than an electronic alternative. If prisoner litigants would simply follow the former practice, universally complied with before electronic filing became de rigueur, by transmitting not only an original but a Judge's Copy of every filing to the Clerk's Office, the problem would no doubt be lessened (or perhaps even eliminated altogether).

Under those circumstances the Order is vacated, this action is reinstated and Avila is granted to leave to file an Amended Complaint on or before August 12, 2014. When this Court receives its copy of that filing, it will enter further appropriate orders as to the service of process and the scheduling of a status hearing.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive, flowing style. The first name "Milton" is written with a large, stylized 'M' and 'I' is written as a small 'i'. The last name "Shadur" is written with a large 'S' and a trailing flourish.

Milton I. Shadur
Senior United States District Judge

Date: July 23, 2014